

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAURICE DUDLEY

Plaintiff,

-against-

ORDER

05 CV 1729 (RJD)(LB)

POLICE OFFICER RICHARD TORRES,

Defendant.

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DEARIE, Chief Judge.

Pro se plaintiff Maurice Dudley brings this action under 42 U.S.C. § 1983, alleging that defendant Police Officer Richard Torres falsely arrested and imprisoned him. Defendant moves for summary judgment pursuant to Fed. R. Civ. P. 56(c). The Court referred the motion to Magistrate Judge Lois Bloom, and on February, 29, 2008, Magistrate Judge Bloom issued a Report & Recommendation (“Report”) concluding that this Court should grant defendant’s motion for summary judgment. The Court has considered the Report and plaintiff’s objections *de novo*. For the reasons stated below, the Court adopts the Report in its entirety.

Plaintiff was arrested in the lobby of Kings County Family Court on July 3, 2001, on the basis of a police report filed by the mother of plaintiff’s children, Valerie Meekins. The May 15, 2001, police report stated that plaintiff had “come across the street to my building and approach my son,” in violation of an order of protection requiring him to stay away from Meekins’s “home, school, business, and place of employment.” See Report at 2, 8. Plaintiff concedes that on or around May 15, 2001, he was walking down Meekins’s block and made contact with their son. Based on the order of protection and the police report, Magistrate Judge Bloom concluded

that defendant had probable cause to arrest plaintiff, and the Court agrees. Despite discovery and ample opportunity to develop his case, plaintiff has not raised an issue of material fact suggesting that, at the time of arrest, an objective officer in defendant's position would have had reason to question the veracity of the complaining witness or the applicability of the order of protection. See Singer v. Fulton County Sheriff, 63 F.3d 110, 119 (2d Cir. 1995). As probable cause "is an absolute defense to a false arrest claim," Jaegly v. Couch, 439 F.3d 149, 152 (2d Cir. 2006), defendant's motion for summary judgment is granted.

The Clerk of the Court is hereby directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
May 20, 2008

s/ RJD


RAYMOND J. DEARIE
United States District Judge